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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application

For PATENT NO. 5,711,100

WILLIAM A. ELMER

Serial No. 74,598

Filing Date: June 14, 1993

For: VEHICLE ADVERTISING
SIGN, SYSTEM AND
METHOD

DECLARATION OF
ALBERT F. ROMA, JR.

Reissue file: 10/098648

I, Albert Roma, declares as follows:

1. I am over the age of 18 and am competent to testify. The matters set forth herein are based upon my own personal knowledge.
2. I am a resident of the state of Michigan.
3. I am the owner and President of National Marketing, Inc. located at 33975 Autry Street, Livonia, Michigan.
4. National Marketing, Inc. has been a supplier to the pizza business since 1983, and which products have included car top vehicle advertising signs.

5. I am very familiar with products supplied to the pizza industry, and have personal knowledge regarding the concepts, functions, and designs of car top vehicle advertising signs.

6. Since 1983, my company, National Marketing, Inc., has been a supplier to the pizza industry of various products including car top vehicle advertising signs.

7. My car top vehicle advertising signs evolved over the years starting first as a stainless steel product in 1983, and which then evolved into a plastic product in 1985.

8. Components of my first plastic car top vehicle advertising signs were manufactured through what is known as a "vacuum forming process." This process was used for the base and top of my signs. That process takes a sheet of plastic, drapes it over a form/mold, and then pressure is applied to the plastic sheet in order for it to conform to the mold. The other parts of the sign were fabricated.

9. These first versions of my company's plastic vehicle advertising signs had base, ends, and sides that came together to form an enclosed hollow body. The advertising signs were translucent and the component parts of the ends, sides and base were attached together using various means to do so—the sign was not a one piece unitary sign.

10. In 1986/87, I decided to design a new car top vehicle advertising sign that was a three-sided *one piece* device manufactured utilizing a "rotation molding process." This process can be described as injecting liquid plastic into a mold.

11. My mold design, utilizing the rotation molding process, produced an advertising sign that formed a hollow, translucent and completely enclosed hollow body, having base, ends, and sides; formed of a unitary molded plastic, and that included plural molded feet extending from and forming a part of the base. The plastic feet were a part of the plastic mold and which extended approximately two inches from the base of the sign.

12. My company marketed and sold this new design, which utilized this rotation molding process, through a product dubbed as the "Concept I" advertising sign that was a three-sided sign. (See Exhibit A, p.51) At approximately this same time, I also designed a unique

custom mold for Domino's Pizza utilizing the rotation molding process that produced a unitary product that had four sides comprised of ends, sides, base and top (i.e. a "quad design.")

13. I was the first delivery car top vehicle advertising sign company to sell products that utilized this rotation molding process. My unitary rotation molded products did not require component parts to be screwed together, and therefore provided a strength to the sign making it difficult for it to fall apart.

14. The plural molded feet on my signs provided flexibility for the suction cups in that each foot had a fastening means to allow suction cups to be fastened to the foot with a nut and washer. The washer acted to allow the suction cups to have movement.

15. In summary, National Marketing, Inc. was the leader in car top vehicle advertising sign sales and technology during this timeframe. We sold thousands of signs to Domino's Pizza, Inc, both at the corporate and franchisee levels. We were the first to have rotational molded signs to be used in the delivery industry. Before this, car top vehicle advertising signs were either fabricated in plastic or metal, or used a vacuum forming process.

16. My company's four-sided quad design prototype provided to Domino's, and the "Concept I" car top advertising vehicle signs were designed, manufactured, advertised, and sold prior to any such products being designed or manufactured by Mr. Elmer, and well prior to the time Mr. Elmer filed his patent application on June 14, 1993 for U.S. patent number 5, 711, 100. (See Exhibit A, p. 51 and Exhibit B) At the time I was manufacturing my unitary rotation molded signs, Mr. Elmer's company's products were still being vacuum formed, had no feet, and were not a completely enclosed hollow bodied one piece device.

17. I have reviewed and am familiar with the design, specifications, and drawings of Patent No. 5, 711, 100 issued to Mr. William Elmer on January 27, 1998. (See Exhibit B) I am also familiar with Mr. Elmer's products distributed through his company HTH, Inc.

18. Mr. Elmer's company, HTH, Inc., is a supplier to the pizza industry of various products, including car top vehicle advertising signs.

19. Mr. Elmer and I have attended the same tradeshows over the years, and our companies advertised in the same pizza industry magazines and publications prior to the time Mr. Elmer filed his patent application on June 14, 1993. (See Exhibit A, pp. 32, 49, 50, 51) Other pizza suppliers promoting car top vehicle advertising signs also advertised in the same pizza industry magazines as Mr. Elmer's company, HTH, Inc., prior to his filing date of June 14, 1993. (See Exhibit A, pp. 40, 44, 49)

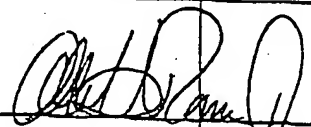
20. I have met Mr. William Elmer on several occasions over the years at various pizza industry tradeshows. I recall specifically conversing with Mr. Elmer regarding my new rotation molded signs, as described above, to inquire about his interest, if any, in manufacturing such products. I recall that conversation occurring several years before Mr. Elmer's filing of his application for U.S. Patent No. 5, 711, 100, during the time that my product was relatively new, and during the time Mr. Elmer's company was still manufacturing and selling vacuum formed vehicle advertising signs which had no feet and were not completely enclosed hollow bodied one piece devices like my signs.

21. Not only were my company's products advertised in publications, but Mr. Elmer had personal knowledge of my company's products years before he filed his application for U.S. Patent No. 5, 711, 100, and are products that the United States Patent and Trademark Office should have had before it when considering Mr. Elmer's application for patent number 5, 711, 100, and should consider now in light of Mr. Elmer's reissue application serial number 74,598.

22. I knew back in the 1980's that use of magnets was the next obvious step for temporary attachment of car top vehicle advertising signs to be affixed to the top of a vehicle. The "flexible sleeve" of Mr. Elmer's patent, for example, is nothing more than the rubber washer I used to affix the suction cups to my company's sign. All aspects of the claimed invention in Mr. Elmer's Patent No. 5, 711, 100 would have been obvious to me prior to 1990.

• I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

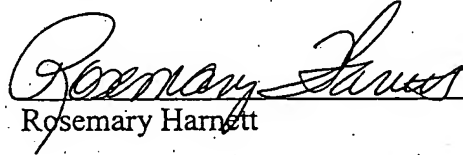
EXECUTED this 29th day of October, 2002 at 4:30 pm


ALBERT ROMA

CERTIFICATE OF MAILING

I hereby certify that this DECLARATION OF ALBERT F. ROMA, JR. is being deposited with the United States Postal Service as Express Mail on the 1st day of November, 2002, in an envelope addressed to the following:

- and
- (1) The Assistant Commissioner for Patents, BOX DAC, Washington, D.C. 20231,
 - (2) Mr. Herbert L. Allen, Allen, Dyer, Doppelt, Franjola & Milbrath, P.A.
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